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ESTTA394169 02/18/2011

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191056
Party	Defendant Franciscan Vineyards, Inc.
Correspondence Address	JOHN M RANNELLS BAKER & RANNELLS PA 575 ROUTE 28, SUITE 102 RARITAN, NJ 08869-1354 UNITED STATES jmr@br-tmlaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	John M. Rannells
Filer's e-mail	jmr@br-tmlaw.com, k.hnasko@br-tmlaw.com
Signature	/john rannells/
Date	02/18/2011
Attachments	91191056 1st notice rely.pdf (5 pages)(243136 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

	X
White Rock Distilleries, Inc.	Opposition No. 91191056
Opposer	Mark: PINNACLES RANCHES
v.	Serial No.: 77/598674
Franciscan Vineyards, Inc.	
Applicant	v
	X

APPLICANT'S FIRST NOTICE OF RELIANCE PURSUANT TO 37 CFR §2.122(d)(2)

Please take notice that Applicant, Franciscan Vineyards, Inc. ("Applicant"), pursuant to 37 CFR §2.122(d)(2) is hereby noticing its reliance on the following:

Official Records of the U.S. Patent and Trademark Office, namely a certified copy of Reg. No. 997,378 for the mark PINNACLES for "wine" owned by Applicant which was prepared and issued by the United States Patent and Trademark Office showing both the current status of (i.e., "Live" and "renewed") and current title (i.e., Applicant) to the registration. A copy of the referenced certified copy of Reg. No. 997,378 is annexed hereto.

The registration is relevant to the issue of the distinctiveness of Applicant's PINNACLES RANCHES mark and to said mark's function as a trademark.

Respectfully submitted,

BAKER and RANNELLS PA

John M. Rannells Attorney for Applicant

575 Route 28, Suite 102 Raritan, New Jersey 08869 (908) 722-5640 jmr@br-tmlaw.com

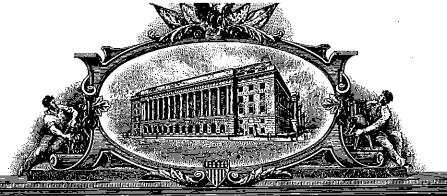
CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing APPLICANT'S FIRST NOTICE OF RELIANCE PURSUANT TO 37 CFR §2.122(d)(2) in re: White Rock Distilleries, Inc. V. Franciscan Vineyards, Inc., Opposition No. 91191056 was served on counsel for Applicant, this 18th day of February, 2011 by sending same via First Class Mail, postage prepaid, to:

Daniel I. Schloss Greenberg Traurig, LLP 200 Park Avenue, 34th Floor New York, NY 10166

DATED: February 18, 2011

John M. Rannells



THE BUNITED STATES OF ANTERIOR

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

February 03, 2011

THE ATTACHED U.S. TRADEMARK REGISTRATION 997,378 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM November 05, 1974 2nd RENEWAL FOR A TERM OF 10 YEARS FROM November 05, 2004 SECTION 8

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED SAID RECORDS SHOW TITLE TO BE IN:

FRANCISCAN VINEYARDS, INC. A DELAWARE CORPORATION

By Authority of the

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

E. BORNET

Certifying Officer



Int. Cl.: 33

Antended

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 997,378

Registered Nov. 5, 1974 OG Date Apr. 10, 2001

TRADEMARK PRINCIPAL REGISTER

PINNACLES

FRANCISCAN VINEYARDS, INC. (DELA-WARE CORPORATION)
P.O. BOX 407
RUTHERFORD NAPA VALLEY, CA
94573, ASSIGNEB OF PAUL MASSON,
INC. (CALIFORNIA CORPORATION),
DBA PAUL MASSON VINEYARDS,
SARATOGA, CA

FOR: WINE, IN CLASS 33 (U.S. CL.

FIRST USE 5-12-1974; IN COMMERCE 5-12-1971.

SER. NO. 73-006,890, FILED 11-20-1973.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Apr. 10, 2001.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent Office

Reg. No. 997,378 Registered Nov. 5, 1974

TRADEMARK
Principal Register

PINNACLE

Paul Masson, Inc. (California corporation), doing business as Paul Masson Vincyards
13150 Saratoga Ave.
Saratoga, Calif. 95070

For: WINE, in CLASS 33 (U.S. CL. 47), First use May 12, 1971; in commerce May 12, 1971.

Ser. No. 6,890, filed Nov. 20, 1973,

L. STRICKMAN, Examiner